



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 29, 2016

[REDACTED]
Lawrence Correctional Center
10930 Lawrence Road
Sumner, Illinois 62466

Re: FOIA Request for Review – 2016 PAC 40944

Dear [REDACTED]

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2014)). For the reasons that follow, the Public Access Bureau concludes that no further action on this matter is warranted.

On January 11, 2016, you submitted a FOIA request to the Office of the Cook County State's Attorney (State's Attorney's Office) seeking grand jury transcripts and minutes from your criminal case. On January 21, 2016, the State's Attorney's Office denied your request in its entirety pursuant to section 7(1)(a) of FOIA (5 ILCS 140/7(1)(a) (West 2014), as amended by Public Acts 99-298, effective August 6, 2015; 99-346, effective January 1, 2016). On March 21, 2016, you submitted the above-captioned Request for Review contesting the State's Attorney's Office's denial.

Section 7(1)(a) of FOIA allows a public body to withhold "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law[.]" The State's Attorney's Office withheld the grand jury transcripts and minutes you requested pursuant to section 7(1)(a) of FOIA based on section 112-6 of the Code of Criminal Procedure (725 ILCS 5/112-6 (West 2014)), which provides, in pertinent part:

(b) Matters other than the deliberations and vote of any grand juror *shall not be disclosed by the State's Attorney*, except as otherwise provided for in subsection (c). * * *

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(c)(1) Disclosure otherwise prohibited by this Section of matters occurring before the Grand Jury, other than its deliberations and the vote of any grand juror, may be made to:

- a. a State's Attorney for use in the performance of such State's Attorney's duty; and
- b. such government personnel as are deemed necessary by the State's Attorney in the performance of such State's Attorney's duty to enforce State criminal law.

* * *


(3) Disclosure otherwise prohibited by this Section of matters occurring before the Grand Jury may also be made when the court, preliminary to or in connection with a judicial proceeding, directs such in the interests of justice or when a law so directs. (Emphasis added.) 725 ILCS 5/112-6(b), (c)(1), (c)(3) (West 2014).

Under these provisions, "as a matter of law, [FOIA] is not the proper vehicle for obtaining grand jury transcripts." *Taliani v. Herrmann*, 2011 IL App (3d) 090138, ¶16, 956 N.E.2d 550, 554 (2011). The same confidentiality applies to grand jury minutes, which document matters occurring before grand juries. Because section 112-6 of the Criminal Code provides for the confidentiality of matters occurring before grand juries and because none of the confidentiality exceptions appear to apply to you, the State's Attorney's Office is specifically prohibited from disclosing the grand jury transcripts and minutes you are seeking. Accordingly, we conclude that those records are exempt from disclosure pursuant to section 7(1)(a) of FOIA, and that no further action on this matter is warranted.

If you have any questions, you may contact me at the Chicago address on the first page of this letter. This letter serves to close this matter.

Very truly yours,

JOSH JONES
Supervising Attorney
Public Access Bureau


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cc: *Via electronic mail*
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